

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 2:17cr43

WILLIAM R. HUTSENPILLER

Defendant.

**SUPPLEMENTAL POSITION ON SENTENCING OF THE
DEFENDANT, WILLIAM R. HUTSENPILLER**

COMES NOW the defendant, William R. Hutsenpiller, by counsel, and states as follows for his supplemental position paper:

Counsel has reviewed the testimony of Special Agent Lanter that was presented by the United States on September 21, 2017 and has reviewed the case law and application notes regarding U.S.S.G. § 3B1.1(A). Counsel has also discussed the issue with the Defendant fully and in detail. The defense withdraws its objection to the four (4) point enhancement for role in the offense. By counsel's calculation, this results in an offense level of 22 and a criminal history category of I for an advisory guideline range of 41-51 months.

The defense restates and adopts the arguments made regarding a variant sentence in its original position paper. The gravamen of fraud cases is the amount of loss and resulting damage. Mr. Hutsenpiller's length of involvement in illegal activity and the amount of loss attributable to his conduct is far less than Bricker;

Deines, or Mearing. He did not personally profit beyond the approximate \$36,000 of items he received as gratuities. One of the factors for the Court to consider is to avoid unwarranted sentencing disparities. The defense also requests that the Court grant the United States' motion for a 3 point reduction for acceptance of responsibility.

Respectfully submitted,

WILLIAM R. HUTSENPILLER

/ s /

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